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GEORGIA-PACIFIC CONSUMER PRODUCTS LP

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GEORGIA-PACIFIC CONSUMER
PRODUCTS LP, a Delaware limited
partnership,

Plaintiff,

v.

LEE'S GENERAL TOYS, INC., a California
corporation, JOHN LEE, an individual; and
DOES 1-100,

Defendants.

Civil Action No.

07 CV 2391 BTM AJI

NOTICE OF RELATED CASE

FILED

2007 DEC 20 PM 12:51

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY YWH DEPUTY

Pursuant to Local Civil Rule 40.1(e), Plaintiff Georgia-Pacific Consumer Products LP, a Delaware limited partnership, states that this case is related to the following related action, filed concurrently herewith:

1. *Georgia Pacific Consumer Products LP v. Yan Wholesale, et al.*, Case No. 07-CV-2390 JAH POR, filed December 20, 2007, in the United States District Court for the Southern District of California.

This case is related to the above-referenced case because this case: (1) involves the same Plaintiff, Georgia-Pacific Consumer Products LP; (2) involves claims pertaining to the same intellectual property of Georgia-Pacific; and (3) appears likely to entail substantial duplication of labor from the related case if this action is heard by a different judge. *See* L.R. Civ. 40.1(e) (“An action or proceeding is related to another action or proceeding where both of them: (1) Involve some of the same parties and are based on the same or similar claims; (2) Involve the same property, transaction, or event; or (3) Involve substantially the same facts and the same questions of law.”).

In each of these actions, Georgia-Pacific alleges trademark infringement arising under Section 32 of the Lanham Act (15 U.S.C. § 1114), common law trademark infringement, false designation of origin arising under Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)), false advertising arising under Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)), federal dilution arising under Section 43(c) of the Lanham Act (15 U.S.C. § 1125(c)), statutory dilution arising under California Business & Professions Code § 14330, statutory unfair competition arising under California Business & Professions Code §§ 17200 *et seq.*, and unfair competition arising under the common law of the State of California, unlawful importation of trademark infringing goods arising under Section 42 of the Lanham Act (15 U.S.C. § 1124), unlawful importation of trademark infringing goods arising under the Section 1526(a) of the Tariff Act (19 U.S.C. § 1526), and cancellation of California Registration Number 109928 pursuant to California Business & Professions Code §§ 14281 or 14282.

Georgia-Pacific brings these claims to protect its several, and in some cases incontestable, federally registered trademarks bearing the words “Angel Soft.” These trademarks

1 include Registration Numbers 781,414; 1,172,215; 2,512,417; 2,546,897; 2,841,759; 2,912,982;
2 2,972,819; and 2,989,711. In accordance with 15 U.S.C. § 1065, based upon widespread and
3 continuous use, Registration Numbers 781,414 and 1,172,215 have achieved incontestable status.

4 Because the allegations in this case and in the related case concern protection of the same
5 trademarks, each action will require analysis and determination of the same or substantially
6 similar questions of law and fact. Assignment of these cases to the same judge therefore is likely
7 to generate efficiencies for the Court and for the parties.

8 Dated: December 20, 2007

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